

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 2.6.205 and 2.6.214 pertaining to) AMENDMENT
state vehicle use)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On April 14, 2008, the Department of Administration proposes to amend the above-stated rules.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Administration no later than 5:00 p.m. on March 18, 2008, to advise us of the nature of the accommodation that you need. Please contact Kristie Rhodes, Department of Administration, 1625 11th Avenue, Helena, Montana, 59620; telephone (406) 444-2421; fax (406) 444-2592; Montana Relay Service 711; or e-mail krhodes@mt.gov.

3. The rules proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

2.6.205 DRIVER REQUIREMENTS (1) through (3) remain the same.

(4) A state employee required to drive as part of the employee's job shall report an accumulation of conviction points of 12 or more according to the schedule in 61-11-203, MCA, for the past 36 months immediately preceding the infraction, whether accumulated while driving a state vehicle, a personal vehicle for state business, or accumulated while driving a motor vehicle for any purpose within ten days of the accumulation of 12 or more points to the employee's supervisor.

(5) through (8) remain the same.

AUTH: 2-17-424, MCA

IMP: 2-9-201, 2-9-305, 2-17-424, MCA

STATEMENT OF REASONABLE NECESSITY: The department is proposing to amend ARM 2.6.205 to conform the rule to requirements of the Secretary of State's office.

2.6.214 DISCIPLINE (1) Failure to comply with the requirements of these rules may result in disciplinary action, including suspension or termination. Any supervisor who becomes aware of any violation of these rules by an employee they supervise shall take appropriate disciplinary action, according to the state discipline

policy set forth in ARM ~~2.21.6504~~ 2.21.6505 through 2.21.6509, and 2.21.6515, ~~and 2.21.6522.~~

AUTH: 2-17-424, MCA

IMP: 2-9-201, 2-9-305, 2-17-424, MCA

STATEMENT OF REASONABLE NECESSITY: The department is proposing to amend ARM 2.6.214 to remove references to rules that have been repealed and are therefore no longer applicable.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Brett Dahl, Department of Administration, 1625 11th Avenue, Helena, Montana, 59620; telephone (406) 444-2421; fax (406) 444-2592; or e-mail bdahl@mt.gov, and must be received no later than 5:00 p.m., March 27, 2008.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Brett Dahl at the above address no later than 5:00 p.m., March 27, 2008.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be greater than 25 persons based on an estimated number of contracts issued yearly.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this Proposal Notice is available through the department's web site at <http://doa.mt.gov/AdministrativeRules.asp>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department works to keep its web site accessible at all times, concerned persons should be aware that the web site may

be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

By: /s/ Sheryl Olson
Sheryl Olson, Deputy Director
Department of Administration

By: /s/ Dal Smilie
Dal Smilie, Rule Reviewer
Department of Administration

Certified to the Secretary of State February 19, 2008.